



The Comptroller General
of the United States

Washington, D.C. 20548

Giddard - PH-I

Decision

Matter of: Plant Systems, Inc.
File: B-226898
Date: May 14, 1987

DIGEST

1. Where an IFB contemplated the award of a firm, fixed-price contract, a bid accompanied by a cover letter which stated that certain costs were not included because the protester took exception to the specifications, was properly rejected as nonresponsive.
2. A nonresponsive bid may not be made responsive by post-bid-opening explanations.

DECISION

Plant Systems, Incorporated (PSI), protests the rejection of its bid under invitation for bids (IFB) No. N62467-85-B-0506 issued by the Naval Facilities Engineering Command (NAVFAC) for a gas generating plant addition at the Naval Air Station Meridian, Mississippi.

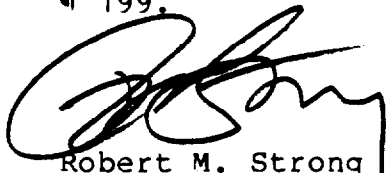
The protest is dismissed pursuant to section 21.3(f) of our Bid Protest Regulations, 4 C.F.R. part 21 (1986), without obtaining an agency report as it is clear from the face of the protest that it is without merit.

NAVFAC rejected PSI's bid as being nonresponsive because the cover letter PSI sent along with its bid took two exceptions to the specifications. PSI stated that its bid did not include the cost of propane for testing and it indicated that the cost of the propane was not then subject to determination. PSI also stated its bid did not include the cost for the performance and payment bond. After bid opening PSI informed NAVFAC that it was retracting the exception it had taken to the test requirements and that PSI had in fact included the cost for the performance and payment bond.

038908

In order to be deemed responsive, a bid must unequivocally offer to provide the requested items and meet the material specifications at a firm, fixed-price. Thus, a bid that limits the firm's contractual obligations or does not offer to perform at a firm, fixed-price must be rejected. Any extraneous documents submitted with the bid, including a cover letter, must be considered a part of the bid for purposes of determining the bid's responsiveness. General Electric Company, 65 Comp. Gen. 377 (1986) 86-1 C.P.D. ¶ 223.

In view of the fact PSI's bid as explained by its cover letter did not offer a firm, fixed-price, NAVFAC had no alternative but to reject PSI's bid as being nonresponsive. Moreover, PSI's post-bid-opening explanation of its cover letter cannot be used to make its bid responsive. Calalaska Air Transport Inc., B-221628, Feb. 26, 1986, 86-1 C.P.D. ¶ 199.



Robert M. Strong
Deputy Associate General Counsel